

1 Q All right. At the time the application was  
2 prepared, did you have anybody in particular in mind to fill  
3 the position of programming director?

4 A No.

5 Q But Bernard was going to be his assistant?

6 A Whoever --

7 Q His or her?

8 A Yes. We, we had not determined who, who would fill  
9 any of these positions at that time.

10 Q And that would include the public service director  
11 whose assistant you would be?

12 A That's correct.

13 JUDGE MILLER: Let me ask a crazy question. Did you  
14 have in mind a general manager?

15 WITNESS: Did I have one in mind?

16 JUDGE MILLER: Did you have in mind a position  
17 called general manager?

18 WITNESS: Yes, yes.

19 JUDGE MILLER: But you didn't know who it was going  
20 to be?

21 WITNESS: That's correct.

22 JUDGE MILLER: So if I, if I, if I've got the  
23 picture correctly, you'd have a general manager, then we'd  
24 have two assistants to program director and someone else, and  
25 these -- but these, these are the powers because they're the

1 50 percent owners. Is that --

2 WITNESS: That's correct.

3 JUDGE MILLER: All right. Proceed.

4 MR. KOERNER: Thank you, Your Honor.

5 BY MR. KOERNER:

6 Q There then came a time, I believe you testified it  
7 was January of 1992, when you amended the application. And  
8 would I be correct in stating that the amendment recast the  
9 corporate structure in terms of voting and nonvoting stock?

10 A Yes, it did.

11 JUDGE MILLER: Could I ask you one more question  
12 before you go ahead? At this time, has Mr. Kravetz's law firm  
13 arrived on the scene?

14 WITNESS: Yes. Prior to the amendment.

15 JUDGE MILLER: Prior to the amendment but after the  
16 filing?

17 WITNESS: That's correct. We had no attorney at the  
18 time of filing.

19 JUDGE MILLER: Proceed.

20 BY MR. KOERNER:

21 Q As long as Judge Miller has brought that up, how did  
22 you happen upon Mr. Kravetz?

23 A Well, first, Mr. John McKinley finally returned my  
24 call and we paid a visit to him and told him that we were  
25 making the application and needed his assistant as far as the

1 engineering data's concerned. He asked if we had hired an  
2 attorney. We said no and he recommended Mr. Kravetz because  
3 Mr. Kravetz had represented Mr. McKinley.

4 Q Do you know in what capacity Mr. Kravetz represented  
5 Mr. McKinley?

6 A No, I do not.

7 Q Now, to get back to the amendment that was filed in  
8 January of 1992, at that point you and your son determined  
9 that you would be the sole voting shareholder. Is that  
10 correct?

11 A Yes.

12 Q And that your son would be the sole nonvoting  
13 shareholder?

14 A That's correct.

15 Q And you also determined that you would continue to  
16 own on an equity basis a 50/50 split. Is that correct?

17 A That's correct.

18 Q Did you also determine that you would be  
19 contributing to the costs of prosecution of the application on  
20 the 50/50 split?

21 A That's correct.

22 Q Did you also agree that you would contribute to any  
23 costs associated with construction and operation on a 50/50  
24 split?

25 A Yes.

1 Q Were there, as far as you were concerned, any  
2 limits, outside limits, as to how long you'd keep this 50/50  
3 going?

4 A No, none have been set.

5 JUDGE MILLER: Well, didn't there come a time when  
6 you learned that in all probability there was -- that this was  
7 not just going to be a filing with a grant, but there was  
8 going to be litigation at the end of the filing, that you were  
9 going to have to compete with numerous other individuals for  
10 the station?

11 WITNESS: Yes, I --

12 JUDGE MILLER: When did you learn that?

13 WITNESS: Well, I -- immediately upon filing, we  
14 learned that there were I believe eight other applicants. So  
15 I knew there would be this process.

16 JUDGE MILLER: And did there come a time when you  
17 sat down with your attorney and said well, what, what wins?  
18 What'll make us a winner? Did you ever have that kind of a  
19 discussion?

20 WITNESS: Oh, he, he has advised me as to certain  
21 things that give preference, yes.

22 JUDGE MILLER: Have you discussed, for example,  
23 civic participation in the community --

24 WITNESS: Yes.

25 JUDGE MILLER: Have you discussed broadcast

1 experience?

2 WITNESS: Yes.

3 JUDGE MILLER: Have you discussed minority  
4 enhancement?

5 WITNESS: Yes.

6 JUDGE MILLER: Have you discussed local residence?

7 WITNESS: Yes.

8 JUDGE MILLER: Proceed, Mr. --

9 MR. KOERNER: Thank you, Your Honor.

10 BY MR. KOERNER:

11 Q Mr. Wilburn, at the time the amendment was filed,  
12 you then proposed to become general manager. Is that correct?

13 A Yes.

14 Q And you would be solely in control?

15 A Yes, I would.

16 Q Okay. What -- Did you -- At that time, in January  
17 of 1992, what did you envision that your duties as general  
18 manager would be?

19 A My duties would be to hire competent people to  
20 operate the station since I have no such experience and to  
21 oversee them. And I would make all the final decisions.

22 Q So you would hire whatever number of associates,  
23 assistants, as you felt necessary?

24 A That's correct.

25 Q And I believe you just testified at the moment that

1 | you never managed a radio station?

2 |       A     That's correct.

3 |       Q     Except for your present law practice, have you ever  
4 | managed any business?

5 |       A     No, I don't think so. None that I can recall.  
6 | Well, I don't know what you mean by manage a business. I  
7 | suppose I have many times as a fiduciary in my law practice,  
8 | for example. I mean as guardian. For example, I'm guardian  
9 | of different persons who have businesses and I manage them,  
10 | yes. In connection with my law practice, certainly.

11 |       Q     Do you hire people?

12 |       A     Yes.

13 |             JUDGE MILLER: You've been trustee in bankruptcy?

14 |             WITNESS: Never been a trustee.

15 |             BY MR. KOERNER:

16 |       Q     In your law practice, as fiduciary, if you will, do  
17 | you hire and fire employees for these people?

18 |       A     Yes, constantly. Not only as guardian, but  
19 | frequently I would be asked to accept a power of attorney to  
20 | operate business affairs, particularly among older clients who  
21 | retire and leave the area, and they would leave me in charge  
22 | of their affairs. That's quite common. I have several of  
23 | those now.

24 |       Q     What kind of business would this be?

25 |       A     Farms a lot. I have operated retail businesses.

1 And I can't remember all of it. And then investment  
2 businesses.

3 JUDGE MILLER: You, you would be turning these power  
4 of attorneys over to your son?

5 WITNESS: I would have to get out of them, yes.

6 BY MR. KOERNER:

7 Q Were these powers of attorney given to you  
8 individually or given to the firm?

9 A To me individually. I don't think a firm can accept  
10 a power of attorney.

11 Q At this point in time, as we speak today,  
12 approximately how many of these powers of attorney or  
13 fiduciary responsibilities do you have?

14 A I really -- I couldn't give you a figure right now.

15 Q Is it more than one?

16 A Oh, yes.

17 Q Mr. Wilburn, can you identify a person named  
18 Mr. Embrey, Nelson Embrey?

19 A He's an acquaintance of mine who has an office in  
20 Circleville.

21 Q And is he a client of yours?

22 A No.

23 Q Has he ever been?

24 A No.

25 Q For how long has he been an acquaintance?

1           A     I would say at least 25 years. I don't remember the  
2 exact year I met him.

3           Q     Is he presently employed?

4           A     Employed?

5           Q     Yes.

6           A     He's selling insurance, however you would define  
7 that. That's what he does.

8           Q     Has he ever been employed in the radio business?

9                   JUDGE MILLER: Would you call him an insurance  
10 agent?

11                   WITNESS: As far as I know, that would be his title.

12                   BY MR. KOERNER:

13           Q     Has he ever been employed in the broadcasting  
14 business?

15           A     He owned and managed the only radio station in  
16 Pickaway County where Circleville is located for the entire  
17 time that I've been there. And I think, I think he  
18 established that after I arrived in Circleville, but I don't  
19 remember the exact year.

20           Q     Did you speak with Mr. Embrey prior to the filing of  
21 the initial application?

22           A     Apparently, I spoke with him and told him that I was  
23 making the application and asked him if, if I could consult  
24 with him at various times and if he would be willing to be a  
25 consultant, perhaps an employee, if I were successful. And he



1 said yes.

2 Q Prior to the filing of the initial application in  
3 December of 1991, did you consult with him as to any specifics  
4 in completing the application?

5 A No. I've never consulted with him as far as  
6 preparing the application or any amendments.

7 Q Would you, at least as far as you are concerned,  
8 consider him to be -- or to have some expertise in the  
9 broadcasting industry?

10 A Well, he owned, or at least was co-owner of this  
11 station and operated it for 25 years. As far as I know, he  
12 was successful, and he sold it a few years ago.

13 Q Can you pinpoint a few years ago?

14 A I think four or five years ago, it seems to me like.

15 Q Now, is it not a fact that in that Exhibit 4, your  
16 initial application which I previously showed to you,  
17 Mr. Embrey's name was mentioned?

18 A Yes.

19 Q And --

20 MR. KOERNER: Your Honor, I'm going to show the  
21 witness again the same exhibit.

22 JUDGE MILLER: All right. Same page?

23 MR. KOERNER: Same page.

24 BY MR. KOERNER:

25 Q And, Mr. Wilburn, can you tell me in what connection

1 Mr. Embrey's name is mentioned there?

2 MR. KRAVETZ: Mr. Koerner, could you speak up,  
3 please? I can't hear you.

4 MR. KOERNER: I'm sorry.

5 WITNESS: I'll read it, I think is the best way to  
6 explain it, if that's all right.

7 BY MR. KOERNER:

8 Q Read it into the record.

9 A "Mr. Nelson Embrey will be a member of the radio  
10 station staff. Mr. Embrey was an owner and operator of WNRE,  
11 now WNRJ Circleville, Ohio, from 1964 through 1990."

12 Q Thank you. Did you have any particular position in  
13 mind for Mr. Embrey?

14 A No. It's undefined. My thought was that he would  
15 be a consultant, perhaps to consult in many areas, but that  
16 was and is undefined at this time.

17 Q Well, I was speaking specifically about December of  
18 1991.

19 A No, no, except that he would be a member of the  
20 staff and I would consider a consultant a member of the staff.

21 Q All right. When you amended your application in  
22 January of 1992, did you essentially amend Mr. Embrey out?

23 A No.

24 Q Did you at that time have -- still have him in mind  
25 as having some relationship with the station?

1           A     Someone that I would consult, definitely, yes.

2           Q     Did you ever --

3           JUDGE MILLER: Let me, let me ask a couple  
4 questions. There came a time when you learned that the name  
5 of the game in broadcasting was selling advertising, isn't it?

6           WITNESS: That's correct.

7           JUDGE MILLER: Now, when did, when did that dawn on  
8 you?

9           WITNESS: I think I've always known that.

10          JUDGE MILLER: Always known it? That's what makes  
11 --

12          WITNESS: That's the source of revenue.

13          JUDGE MILLER: Revenue. There has to be revenue and  
14 revenue is selling advertising.

15          WITNESS: Right, right.

16          JUDGE MILLER: Now, you've never sold advertising?

17          WITNESS: No.

18          JUDGE MILLER: Neither has your son?

19          WITNESS: No.

20          JUDGE MILLER: Did you have Mr. Embrey in mind for  
21 -- as an advertising manager?

22          WITNESS: Possibly. Although he's completely out of  
23 the radio business at the moment, his wife does sell  
24 advertising for radio stations. She has continued to work in  
25 the area. And that's one position that he might help in, yes.

1 JUDGE MILLER: All right. Proceed, Mr. Koerner.

2 BY MR. KOERNER:

3 Q All right. Mr. Wilburn, assuming you're successful  
4 in obtaining this construction permit, have you discussed with  
5 Mr. Embrey the kind of relationship he would have with the  
6 station?

7 A Well, we, we've discussed it but no decisions have  
8 been reached.

9 Q Did you discuss with him the possibility of his  
10 being a consultant only?

11 A Yes.

12 Q Did you discuss what kind of compensation he'd  
13 receive as a consultant?

14 A No.

15 Q Did you discuss the possibility of his becoming an  
16 actual employee of the station?

17 A Yes.

18 Q Did you discuss his compensation in that respect?

19 A No.

20 Q Have you had any discussions with him as to the  
21 number of hours per week his services would be necessary?

22 A No.

23 Q You do anticipate, however, that Mr. Embrey will be  
24 part of the team?

25 A Yes.

1 Q In some way?

2 A At least, at least available as a consultant-  
3 advisor, yes.

4 Q Okay. Let's assume that you're successful in this,  
5 in this venture and that you obtain the permit for this  
6 station. Your testimony is that you will leave the practice  
7 of law?

8 A Yes.

9 Q And how do you intend to dispose of your existing  
10 practice?

11 A Well, it will be turned over to Bernard. I won't  
12 dispose of it. I mean, I won't give it away. It'll stay in  
13 the firm and Bernard will be taking it over.

14 Q Would Bernard buy it from you?

15 A No.

16 Q Just give it to him?

17 A Yes.

18 Q Do you have a partnership agreement with Bernard?

19 A No. I didn't have with my other partner who was not  
20 a relative, either. And when he left, he gave the business to  
21 me.

22 JUDGE MILLER: How many hours does your son put in a  
23 week in the law firm?

24 WITNESS: Well, it's generally understood that we'll  
25 each put in at least 40 hours a week, and I, you know, I don't

1 monitor him. He doesn't punch a time clock, so I, I'm  
2 assuming around 40.

3 JUDGE MILLER: So are you turning, are you turning  
4 40 hours over to him? Is your son going to be a workaholic,  
5 80 hours a week when you get finished giving him --

6 WITNESS: Until, until we can --

7 JUDGE MILLER: -- giving him this practice?

8 WITNESS: Till the transition is made and he can  
9 hire additional help if he finds it necessary, yes.

10 JUDGE MILLER: All right.

11 BY MR. KOERNER:

12 Q Your Honor has anticipated one of my questions.  
13 What do you consider, Mr. Wilburn, the time frame it would  
14 take for you to effect an orderly turn over, if you will, of  
15 your business?

16 A Ninety days.

17 Q Pardon me?

18 A Ninety days.

19 Q And you have testified I believe that you have a  
20 number of fiduciary responsibilities, powers of attorney,  
21 etcetera. Can you tell me what's involved in resigning, if  
22 you will, from them?

23 A Well, if, if it's power of attorney, you need to get  
24 a new one appointed and you simply resign. If it's fiduciary  
25 appointed by the court, you need to approach the court and get

1 a substitution.

2 Q If it's a power of attorney, would you select your  
3 successor or would --

4 A No, no. No, no.

5 Q -- someone else?

6 A The principal would have to do that.

7 Q And, of course, if it's fiduciary appointed by the  
8 court, the court would do so?

9 A Yes.

10 Q Once you effectuate this turnover, do you have any  
11 agreement or understanding with your son as far as continuing  
12 to receive income from the firm?

13 A Fees, no. He probably would pay the rent. He would  
14 have to pay the rent. I am not the sole owner of the  
15 building, for example, and there would be the rent that we pay  
16 which I would share in.

17 Q So you would share it?

18 A Right.

19 JUDGE MILLER: Your son, your son doesn't have any  
20 business relationships that would prohibit him from taking  
21 over any of these guardianships, does he? I mean, he's not  
22 the district attorney?

23 WITNESS: No, no, we're not involved in politics at  
24 all.

25 JUDGE MILLER: Okay.

1 BY MR. KOERNER:

2 Q So do I understand then that you would not be  
3 receiving any portion of the fee income?

4 A No, I will not.

5 Q The only thing you would be getting is your share of  
6 the rent, so to speak?

7 A Right, right.

8 Q Do you receive that now?

9 A Yes.

10 Q Who is the other owner of the building?

11 A The owner of the building?

12 Q The other half-owner.

13 A The other half is an attorney by the name of Guy G.  
14 Cline, II. He is a vice president of Lincoln Electric,  
15 Cleveland, Ohio.

16 Q Other than the rent, or partial rent, you receive  
17 from your son after you terminate the practice, what would --  
18 and other than your income as general manager of the station,  
19 would you have any other sources of income?

20 A Well, I have some investments. I'll be eligible for  
21 Social Security in six months, so -- My wife, who was a  
22 professor at Dennison University, recently left that post and  
23 she's entitled to a pension. We have enough income that I  
24 would not need to draw a salary as general manager.

25 Q Do you have any IRAs?



1           A     Yes.

2           Q     Of your own or you and your wife?

3           A     We each have our own.

4           Q     Do you and your son have any understanding as to  
5 what your salary would be as general manager?

6           A     As general manager?

7           Q     Yes.

8           A     I would think somewhere around 30,000 a year.

9           Q     Do you know if that is commensurate with other  
10 general managers in the area?

11          A     For a station that size, I think it would be, from  
12 my understanding.

13          Q     Do you know? Have you --

14          A     I've not seen the payrolls of any others. So to  
15 know to that extent, no.

16          Q     But did you, did you ask Ms. Frizzell what her  
17 salary was as general manager?

18          A     No, I didn't.

19                JUDGE MILLER: Did you ask Mr. Embrey?

20                WITNESS: No, I did not.

21                JUDGE MILLER: What, what the going rate was for  
22 general managers?

23                WITNESS: As general manager, no, but other  
24 positions, yes. I have talked to him about other positions  
25 and he says they're rather low in that area.

1 JUDGE MILLER: How big is Circleville?

2 WITNESS: 12,000.

3 JUDGE MILLER: Are you the bank's attorney?

4 WITNESS: I do not represent --

5 JUDGE MILLER: Are you on the staff --

6 WITNESS: No, I don't represent any bank.

7 JUDGE MILLER: Okay.

8 BY MR. KOERNER:

9 Q Mr. Wilburn, from your present residence in Upper  
10 Arlington, approximately what is the distance from there to  
11 the former WBBY studio?

12 A As near as I can determine by the speedometer on my  
13 car, it's nine miles to the studio. At first I thought it was  
14 only five miles, then I measured it and it's actually nine to  
15 the studio. It's somewhat less than that to the city limits  
16 of Westerville.

17 Q Now, it's your testimony that you intend to move  
18 your residence from Upper Arlington to Westerville?

19 A Yes, I would.

20 Q Have you looked at any real estate in Westerville?

21 A I've looked at possibilities, yes.

22 Q And of the possibilities you've examined, what would  
23 be the approximate distance from them to the studio?

24 A The condominiums I've looked into, it's about a mile  
25 from the studio.

1 JUDGE MILLER: Why do you want to quit the law?

2 WITNESS: It's time to retire and move on to  
3 something else. Thirty years is long enough.

4 JUDGE MILLER: Haven't they been enjoyable, though?

5 WITNESS: It used to be. Not anymore.

6 JUDGE MILLER: Not anymore?

7 WITNESS: They don't make them like they used to.  
8 Find that out?

9 JUDGE MILLER: Yeah. Getting so I can't -- Outside  
10 of this room now, I wish I -- I'm getting so I can't find  
11 trial attorneys anymore.

12 WITNESS: Okay.

13 BY MR. KOERNER:

14 Q One final thing. Mr. Wilburn, when you filed your  
15 amendment to your application in January of 1992, did you  
16 include in that amendment the Equal Employment Opportunity  
17 program?

18 A I believe it was at the time, yes.

19 Q And between December of 1991 and January of 1992,  
20 how did you learn how to complete the form?

21 A Well, I believe Bernard went and looked at some of  
22 the other applications that had been filed to get an idea of  
23 just how to do it, since we still didn't have Mr. Kravetz  
24 while we were looking that information up.

25 Q So Bernard went to the public files --

1           A     And examined some of the public files, yes.

2           Q     And that's where he found, for example, how the  
3 organization --

4           A     Well, specifically, the -- I knew -- we knew what  
5 EEO meant and is, but as far as actually making a form, I  
6 don't think we felt comfortable with our, our knowledge.

7           Q     So the, the organizations listed on the form, for  
8 example, came from examination of other, other files?

9           A     Yes.

10           MR. KOERNER: I don't think I have anything further,  
11 Your Honor.

12           JUDGE MILLER: One second here. Mr. Alpert?

13           MR. ALPERT: Yes, sir.

14                       CROSS EXAMINATION

15           BY MR. ALPERT:

16           Q     Mr. Wilburn, Bernard Wilburn originally was an  
17 officer of the -- of Wilburn Industries, Inc. Is that  
18 correct?

19           A     Yes.

20           Q     And, in fact, he was specifically the secretary of  
21 the organization. Is that correct?

22           A     That's right.

23           Q     Was there ever a written resignation of his position  
24 as officer?

25           A     No, and there was never a written election, either.

1 Q So there was no memorialization --

2 A No. No.

3 Q Does the organization have any bylaws?

4 A No.

5 Q And is there any reason why not?

6 A It's something that I haven't completed. I have to  
7 complete it.

8 Q Have there been any minutes of the organization?

9 A The only minutes that I would have would be a  
10 memorandum that I myself wrote when we did the amendment to  
11 the articles.

12 Q Now, back in January of 1992 when you wrote to the  
13 state to turn your corporation into a two-tier corporation --  
14 Do you understand what I mean by a two-tier corporation?

15 A I assume you mean voting and nonvoting shares.

16 Q That's correct.

17 A Okay.

18 Q Now, you wrote to the state at one point in order to  
19 turn your corporation into a two-tier corporation. Is that  
20 correct?

21 A Would you repeat that question?

22 Q Okay. You wrote to the state and filed something  
23 with the State of Ohio in order to turn the corporation into a  
24 two-tier corporation.

25 A Well, I didn't write to the state because where I

1 live it's just a matter of going up to the Secretary of  
2 State's office and filing a paper, and that's what I did.

3 Q Okay. Well, by writing, I mean there had to be a  
4 written document --

5 A Yes, forms that you fill out, right.

6 Q And in that document it stated that you were the  
7 president of the organization. Is that correct?

8 A I don't believe the articles of incorporation  
9 require that. I'm not 100 percent sure, but, but I don't  
10 believe they do. It might.

11 Q Let me place a document before you.

12 A I don't recall.

13 MR. ALPERT: I'd like to place a document before the  
14 witness. I'm showing the document to counsel for Wilburn  
15 Industries, Inc. Okay, now, Your Honor, I'd like to have this  
16 identified for the record as Davis Exhibit Number 6, I believe  
17 I'm up to.

18 JUDGE MILLER: The document you've just described,  
19 being a certificate from -- signed by Bob Taft, Secretary of  
20 State for the State of Ohio, and bearing the title also of  
21 Wilburn Industries as one of the -- address will be marked for  
22 identification -- It's a two-page document -- as Shellee Davis  
23 Exhibit 6.

24 (Whereupon, the document referred to  
25 as Davis Exhibit No. 6 was marked for

1 identification.)

2 MR. ALPERT: Thank you, Your Honor.

3 BY MR. ALPERT:

4 Q Do you recognize this document, Mr. Wilburn?

5 A Yes.

6 Q Okay. Now, the second page of this document is a

7 document which is entitled "Certificate of Amendment by

8 Shareholders to the Articles of Incorporation, Wilburn

9 Industries, Inc." Is that correct?

10 A Yes, yes.

11 Q And does that bear your signature?

12 A Yes.

13 Q And that is a photocopy of your signature?

14 A Yes.

15 Q Okay. Now, in that document it identifies you as

16 the president of the organization. Is that correct?

17 A That's correct. That's correct.

18 Q And it identified Bernard Wilburn as secretary of

19 the organization.

20 A That's correct.

21 Q Is that correct?

22 A Um-hum.

23 Q And Bernard Wilburn is your son --

24 A Yes.

25 Q -- who we've been discussing during this testimony?

1 To your knowledge, has there been any document which has been  
2 filed in the state which has recorded that Bernard Wilburn is  
3 no longer the secretary of the corporation?

4 A Well, the way I understand this, he signed as  
5 secretary of the existing corporation. And then after this  
6 amendment, he would be out of here because he was not a voting  
7 shareholder. I think this refers to probably the secretary of  
8 the corporation prior to the amendment.

9 Q Okay. Well, I'm not sure -- my question. My  
10 question was is there any filing to your knowledge with the  
11 state to record the fact that he no longer is secretary of the  
12 organization?

13 A Well, I have filed two franchise tax reports, one  
14 for 1992 and one for 1993, and they identify me as the sole  
15 officer and voting shareholder. So twice it's been filed,  
16 yeah.

17 Q Is there any prohibition in the state law, to your  
18 knowledge, which would prohibit him as a nonvoting stockholder  
19 but nevertheless being an officer of the organization?

20 A I don't know.

21 Q Now, it says here at the bottom of the pay, it says  
22 "Ohio law does not permit one officer to sign in two  
23 capacities. Two separate signatures are required." Is it  
24 your understanding that in the State of Ohio that there --  
25 that a corporation such as yours has to have two officers?



1           A     It is my understanding that they do not, no. It's  
2 my --

3           Q     They did at one point?

4           A     I'm not -- I don't -- I really don't know, but I  
5 file reports as, as the sole officer and I've never had any  
6 flack from them.

7           Q     Now --

8                 JUDGE MILLER: Just for the benefit of the record,  
9 Mr. Alpert --

10           MR. ALPERT: Yes, sir.

11           JUDGE MILLER: -- is this the whole document?

12           MR. ALPERT: This is the tendered document that was  
13 produced during discovery. The particular document --

14           JUDGE MILLER: Why does the line -- Why does the  
15 last line on the bottom read "even if this"?

16           MR. ALPERT: This is the way it was produced to me.  
17 I did not generate this document.

18           JUDGE MILLER: All right.

19           MR. ALPERT: It was provided by Wilburn Industries,  
20 Inc.

21           JUDGE MILLER: It would -- nothing important, but I  
22 get the feeling I'm, I'm, I'm left out.

23           WITNESS: It looks to me like there's some print  
24 that just didn't take. There's a couple or three words --

25           JUDGE MILLER: Take a look at, take a look at your